

**SUPPORTING RULE OF LAW REFORM
West Bank and Gaza**

QUARTERLY PROGRESS REPORT

October 1, 2004 – December 31, 2004

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ACRONYMS

CI	Chemonics International, Inc.
CLE	Continuing Legal Education
COP	Chief of Party
CTO	Cognizant Technical Officer
IQC	Indefinite Quantity Contract
PBA	Palestinian Bar Association
PMU	Project Management Unit
QPR	Quarterly Progress Report
RLAC	Rule of Law Advisory Committee
ROL	Rule of Law
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

This Quarterly Progress Report (QPR) for the Supporting Rule of Law Reform project in the West Bank and Gaza covers the period from October 1, 2004 through December 31, 2004. The Supporting Rule of Law Reform project is a three year \$3.9 million task order under the Rule of Law IQC.

During this reporting period, the project team undertook and accomplished many important start-up goals, including completion of staff hiring, locating suitable office space in Ramallah, West Bank, and beginning procuring necessary office equipment. In addition, the programmatic staff began outreach meetings with major project partners to acquaint them with the project and prepare them for a stakeholders workshop contemplated for January 2005.

In addition to a laden schedule of start up activities and details, the project responded quickly to join in USAID's plans to support the Palestinian Presidential elections, which were scheduled in early January following the death of Palestinian Chairman Yasser Arafat. The project team submitted a proposal to develop legal election challenge process training for Palestinian legal and human rights organizations. USAID supported this innovative idea and planning was underway at the close of the reporting session to field a consultant and hold the training prior to the planned January 9, 2005 elections.

The QPR is divided into the following sections: Programmatic Accomplishments; Administrative Accomplishments; Financial Summary; and Programmatic Trends.

SECTION I

Programmatic Accomplishments

A. Stakeholder's Workshop and Work Planning

During this reporting period, project staff engaged in discussions with leaders at the four law schools (described in greater detail below) and the Palestinian Bar Association (PBA) as part of preparations for planned stakeholders' and workplanning workshops anticipated in January 2005. These meetings were fruitful, inasmuch as they allowed an opportunity to introduce the project and solicit initial views from stakeholders. The field office staff has conducted a series of brainstorming sessions to establish clear ideas and proposals for future programmatic consideration. Also during this period, project staff prepared a draft project workplan and held preliminary discussions on viable mechanisms for monitoring and evaluation of project results.

B. Rule of Law Advisory Committee Recruit

The Rule of Law Advisory Committee (RLAC) will serve as an advisory committee for the project, a high level collection of engaged local reform champions who can assist in fine-tuning the project's objectives and activities, establishing effective strategies for successful implementation, and identifying obstacles and problems.

Project staff met repeatedly to devise a vision statement for the RLAC and to discuss composition of the committee, limits on the roles members will play in project operations, the criteria for selecting those members, and the mechanism of holding meetings. The results of these meetings were shared with immediate counterparts in a memorandum. The PBA and the four main Palestinian law schools were initially supportive, as were individual other "key players" in rule of law reform in the West Bank and Gaza. The RLAC will comprise 10-12 regular members who will meet semi-annually (at most quarterly; meeting schedules will depend upon those who participate). Guest participants may play a periodic role as circumstances may warrant. In addition to representatives of the four law schools and the PBA, the RLAC will likely include representatives from human rights NGOs, media, and key ROL players from the public sector. Recruitment for the committee has begun in earnest.

C. Law Schools and Law Students

The Supporting Rule of Law Reform project works closely with four law schools; Annajah, Bir Zeit, Al Quds, and Al Azhar. Introductory meetings were held with the deans of these four law schools to introduce the general goals and objectives of the ROL project, the parameters of assistance, and discuss methods of mutual cooperation. Participants in these meetings included:

- Dr. Ahmed Khalidi, Dean of Annajah University Law School
- Mudar Kassis, Dean of the Law School and Director of the Institute of Law, Bir Zeit University
- Dr. Mossa Dweik, Dean of the Law School at Al Quds University
- Dr. Mussa Abu Mallouh, Dean of the Al Azhar University School of Law

The response from these meetings was very positive. The law school leaders were enthusiastic for anticipated project activities and promised cooperation. For example, Dr. Ahmed Khalidi is preparing a general report on the needs, programs, and future goals of the Annajah Law School. All of these academic leaders were keenly interested in project plans to create the first legal journal for all law schools in the West Bank and Gaza.

During these meetings, project staff discussed with the deans anticipated project activities related to reviewing existing curricula and developing ideas for reform in how legal education is approached in their schools. The law school deans were curious and interested, if perhaps a little cautious. In addition to curricula review and reform, discussions with the deans included the question of modernizing their existing curriculum, adding new subjects such as intellectual property, legal writing, and legal ethics while also developing the skills of students and improving the teaching methodologies used in order to improve those skills. The deans were supportive of these ideas as well, though Bir Zeit Law School, which was established relatively recently, indicated it prefers to test their current curriculum for a year or two before considering a review.

Currently desk reviews of the curricula of Annajah, Bir Zeit and Al Azhar law schools are underway. A review of the curriculum at Al Quds will soon follow.

The project will also be working with law students. Students often have different objectives and aspirations in their quest for better legal education than their law faculty. With this in mind, project staff met with law students from Al Azhar University in Gaza. These students were intrigued by the idea of student input into curriculum development and expressed their willingness to cooperate. The project hopes to facilitate the creation of student associations, a topic this group of students enthusiastically supported. These students have also expressed their need for access to legal materials, to improve English language capabilities, and to strengthen their legal research skills.

Also during this reporting period, project staff visited Annajah University Law School in Nablus. The school convened a committee of five current students who will work closely with the project.

D. Legal Professional Organizations

The project will be working with legal professional organizations to encourage greater contributions to legal reform efforts and debates. During this reporting period, several meetings were held with PBA Board members, including its President. The goal of these meetings was to introduce the project, discuss and learn more about the needs of the PBA, their current projects, explore ways to collaborate and cooperate, and to gain support for the establishment of the Rule of Law Advisory Committee. These meetings were very constructive, useful, and informative. The PBA shared their current list of priorities, which included some long standing goals as well as several new needs. One key initiative of the PBA is the creation of a "Bar Training Institute," which will comprise the PBA's continuing legal education program. Leaders within the PBA have committed to holding a special meeting of the Board to discuss the relevancy of project activities and goals to the association. It is anticipated that during this meeting (or perhaps

subsequent similar meetings), these leaders will request that the PBA board will adopt a resolution officially endorsing project activities that will support the PBA. The PBA anticipates forming a project implementation unit within its organization to cooperate with the project. Once this resolution is adopted, project staff anticipate discussing with PBA liaisons matters including: logistical issues related to implementation, a rapid survey of currently practicing attorneys regarding the design of a CLE program, and garnering support for a CLE program – including a planning session.

In additions, the project staff conducted meetings with 8 NGOs to learn about their current programs and discuss ways to coordinate and cooperate. Nearly all NGOs the project staff met with expressed strong support for the Supporting Rule of Law Reform project. These meetings will continue to ensure shared development objectives. One participant, Iyad Barghouti from the Ramallah Center for Human Rights Studies said, “I foresee many opportunities for cooperation, especially since there are many cross-cutting issues of the project that can compliment the objectives of the center.

SECTION II

Administrative Accomplishments

A. Project Start-Up

During this reporting period, close collaboration between the home and field offices resulted in the achievement of several milestones for start up, including find office space. The subcontractor, MASSAR Associates provided temporary office space to host staff in both the West Bank and Gaza until such time as a permanent office could be leased. In the West Bank, space has been leased in Ramallah on Al-Irsal Street and is ready for occupation in January. Securing an appropriate office in Gaza has proven to be more difficult. Three potential offices were evaluated by project staff. Based upon location, security concerns, and price, a location was selected. Landlord and lessee were unable to agree on terms during negotiations, necessitating finding an alternate location and re-starting the negotiation process.

B. Hiring Local Staff

Upon contract award, a full-scale recruit was conducted for any unfilled positions. Through the subcontractor, positions were advertised in local newspapers. After initial review of candidates, including preliminary interviews, the top three candidates for each position were interviewed by senior project staff. All support staff received USAID approval and are in place and contributing to the on-going project start-up and implementation. Staff bios are included in Annex A.

C. Home Office Support

Within three weeks of award, two project staff from Chemonics home office traveled to the West Bank. During this visit, initial meetings regarding project start-up were conducted, including with the subcontractor and USAID staff at the mission in Tel Aviv. Participants of the USAID meeting included the project's CTO, Mission Director, Deputy Director, Democracy and Governance Office Director, and representatives of the Program Office, Office of Contracts Management, and the Office of the Controller. The meeting with USAID dealt with a variety of matters logistical and regulatory issues such as financial requirements, reporting requirements, conflicts of interest, marketing requirements, and reporting and approval channels while also serving as an important tool to ensuring smooth and successful start up. Both the meeting with the subcontractor and with USAID established a base from which to build a strong team that will work collaboratively to effectively support and promote the project's goals.

D. Chief of Party Orientation

The home office project staff developed a three-day training and orientation program for the COP. The orientation is standard for all of Chemonics' projects and includes meetings with support and project staff, work planning sessions, discussions of pertinent issues, and general project planning. These sets of meetings and discussions serve to better inform the COP of the structures and resources available at the Washington, DC office, which benefit the project,

ensure the quality of deliverables, and establish methods of meeting client expectations and contract requirements.

The orientation was originally scheduled for December; however, due to the death of President Arafat, the processing and issuance of visas was delayed, resulting in the orientation being moved to a later date, after the holiday season.

E. Establishing Communication and Reporting Channels with USAID

Project staff worked closely with the USAID after the initial award discuss mobilization and implementation. These meetings and discussions serve to cement common understanding of the project's objectives, communication, reporting channels and protocol, and effective coordination to ensure smooth implementation. In coordination with the CTO, project staff agreed to a number of improvements and additions to the required reporting as outlined in the contract. These include a weekly update to the CTO which includes developments during a given week and planned activities of the next week. Additionally, the quarterly reports required by the IQC will be submitted to the CTO in addition to the semi-annual reports required in the task order.

SECTION III

Financial Summary

A. General Expenditure Summary

Authorized Expenditure	Actual Expenditure	Balance	LOE Expended	LOE Remaining	Estimated Completion Date	Actual Completion Date
\$3,975,2569	\$108,080	\$3,867,189	150.63	1,144.37	October 2007	NA

B. Registration and VAT

The zero percent VAT exemption status letter was obtained soon after the project registration certificates were received from the Palestinian Ministry of National Economy in mid December, thus positioning the project to be compliant with USAID guidance on 'avoidance' of payment of VAT.

SECTION IV

Programmatic Trends

A. Elections

The unexpected death of Yasser Arafat resulted in the rapid planning of elections for the change in Palestinian leadership. Several rounds of elections are anticipated, including municipal in December 2004 and Presidential in January 2005, with additional rounds to follow there after. In response to these elections, Palestinian organizations have begun preparing for a variety of roles such as campaigning, administration, or monitoring. Most notably, many civil society organizations are preparing to take an active role in election monitoring, forming a network of organizations to supply a pool of trained observers.

These elections offered an opportunity to the project. As events in the U.S. and Ukraine, most recently, instruct, contested and close elections are producing significant and often bitter disputes. Resolution of these disputes should rightly be found in the appropriate courts.

In the Palestinian territories, the court having jurisdiction over election complaints is the Elections Appeals court, which is comprised of five judges chosen from judges currently serving in ordinary Palestinian courts. It has right of review for appeals of decisions of the Central Elections Commission.. The law provides for very short time limits by which appeals have to be brought before the court, and for the court to decide on such appeals.

However, while significant resources are dedicated to planning and fielding monitors for the process of conducting elections, the possibility of legal process which might well determine an election's outcome are simply left generally to the courts. The project, in consultation with USAID, responded to this situation by developing an innovative training program to provide legal professionals with the knowledge and training necessary to have them act as monitors of any post-election legal challenge processes. Like trial monitors often deployed to monitor significant human rights or criminal cases in many countries, these legal professionals would bring their knowledge of the election law and process and of the legal and due process procedures and protections to observe, record, and report on the nature of any post-election legal challenge. They would serve notice that the attention of the local and international community were on any such legal appeals process to ensure that they are fair, transparent, and impartial.

This training program was approved by USAID and will be carried out early in the next reporting cycle, in advance of the presidential elections.

ANNEXES

Annex A. Profiles of Staff

Dr. Mustafa Mari

Chief of Party

Dr. Mari is adjunct professor of law and human rights at Bir Zeit University School of Graduate Studies, and has authored publications on various legal and human rights issues. Dr. Mari has worked with a number of Palestinian human rights organizations, regarding issues of legal sector development. Most recently, Dr. Mari worked with the USAID funded Democracy and Civil Society project, Tamkeen, managing the project's grant-making portfolio. Dr. Mari served as alternate CTO for USAID's WBG mission's ROL.

Mr. Khalil Ansara

Public Outreach Component Leader

Mr. Ansara has 14 years of professional legal experience in the West Bank and Gaza. In addition to his legal background Mr. Ansara holds an MA in development work. He collaborated on two USAID ROL feasibility studies in 1995 and 1998. For the past three years, Mr. Ansara lead the Mortgage Finance and Land Registration Component of the USAID Financial Markets Reform Projects (I) and (II), under the Market Economy Division, USAID.

Dr. Ali Khashan

Legal Education Component Leader

Dr. Khashan is the founder of the law school at Al-Quds University where he was the dean from 1992 until 2002. Before that Dr. Khashan was a law professor in constitutional and public law at several Palestinian Universities such as Al Quds, Bir Ziet, and Hebron University. Since 1999, Dr. Khashan has worked as the general secretary of the Palestinian constitution committee. His experience and studies in France and education Harvard law school has expanded his knowledge in law and human rights.

Ms. Ruba K. El-Ghoul

Finance and Administrative Manager

Ms. El-Ghoul has an MBA from Haifa University. Most recently, Ms. El-Ghoul worked as a financial manager in the USAID Financial Markets Reform Project (II). Prior to that, Ms. El-Ghoul was the Accounting & Finance Manager at the USAID funded ISAMI (Initiative for Sustainable and Accessible Microfinance Industry in West Bank & Gaza) project. She has experience as a senior project accountant for the Palestinian Ministry of Local Government, on a World Bank funded project.

Ms. Lucy Raii

Legal Reform Coordinator / West Bank

Ms. Raii holds a BSC degree in Science from Bethlehem University and has attended many training sessions on management, conflict resolution, negotiation, mediation and arbitration, and other related fields. The combination of her studies, experience, and additional trainings enabled her to work as Program Coordinator for the Judicial Training and Alternate Dispute Resolution Program in DPK Consulting. She also worked as the Principle assistant to the ROL Chief of Party in the same project. Before working for DPK Ms. Raii worked for a Norwegian People-to-People program, the Center for Peace, and the Middle East Council of Churches.

Mr. Nafiz Al Madhoun

Legal Reform Specialist / Gaza

Mr. Al Madhoun has a Master Degree in Commercial Law and has attended numerous courses in human rights and rule of law from different countries such as USA, Sweden, among others. During his years of practical experience, he has gained extensive knowledge of different subjects in fields such as legal drafting, human rights issues, legal teaching, election, commercial, and legal issues and legal reform research.

Ms. Amal Abu Eish

Legal Coordinator & Outreach Specialist

Ms. Abu Eish has 10 years of professional development experience in Gaza. Additionally, Ms. Abu Eish holds an MA in women, law, and development from Bir Zeit University. She has attended many trainings in Gaza, West Bank, and abroad while working with different organizations such as the Community Mental Health Program (research center). Previously she has worked with UNRWA's social relief and development & planning departments, as a loan officer for the Arab Bank, in ANERA as a women and youth development specialist, and with the Central Elections Commission as a regional officer as electoral affairs officer.

Ms. Elen Saba Baba

Administrative Assistant / West Bank

Ms. Baba has a secretarial works diploma from YWCA – Jerusalem, and a BA in Business Administration from Bir Zeit University. Ms. Baba has significant secretarial experience. Prior to her BA, she gained experience by working in the Palestinian Monetary Authority as an office manager. In the public and international relations field she worked for the Palestinian Working Women Society for Development and later worked with the ISAMI project as a coordinator for the Palestinian network for small and microfinance.

Ms. Hala Saba

Administrative Assistant / Gaza

Ms. Saba has a B.A in Accounting and Business Administration from Al Quds Open University, and a Diploma in Business and Office Practice from Near East Council of Churches Committee (NECCC). Ms. Saba has taken several courses and certificate programs such as computer courses, community skills courses, certificates design, and an English course. Ms. Saba has worked in many places as administrative assistant such as CHF, DAI, Maan Development Center, Al Nahda Company, and Rashad Al Shawwa Cultural Center.